

### **AMENDMENT TO THE DRAWINGS**

The attached drawing sheet replaces the original drawing sheet and includes changes to FIG. 1.

Attachment: Replacement Sheet, 1 page

## **REMARKS**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

The Examiner objected to the drawings under 37 CFR 1.83(a) stating that the drawings must show each and every feature of the invention specified in the claims. Specifically, The Examiner stated that that the locking element of claim 8 and the mechanical coupling of claims 11-15 must be shown.

Applicant notes that FIG. 1 has been amended to include Ref. No. 24, which identifies the locking element of claim 8. A drawing replacement sheet is included with this amendment. Applicant further notes that claims 11-15 have been cancelled.

The Examiner rejected claims 11-15 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant notes that claims 11-15 have been cancelled.

The Examiner rejected claims 1-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant notes that claims 1, 9-10, and 18 have been amended to overcome the rejection. Claims 11-15 have been cancelled.

The Examiner rejected claims 1-3, 6-7, 10-11, and 16-17 under 35 U.S.C. 102(b) as being anticipated by European document number EP 1 201 546 A1. The

Examiner's rejection is traversed for the following reason.

In regards to claim 1, Applicant discloses a device for feeding bags (1) that includes a spout (2) and a carousel (3). The device further includes a guide rail (4) and an overslide (7). The guide rail (4) co-operates with the spouts (2) on each bag (1) to hold and guide the bags (1) along the guide rail toward the carousel (3). The overslide (7), which is disposed transversely and in a plane parallel to the guide rail (4), grips the bags (1) on the spout (2) at a removal end (8) of the guide rail (4). A drive (9) moves the overslide (7) between a removal position (10) on the removal end (8) of the guide rail (4) and a feed position (11) on a circular path of holding elements (12) of the carousel (3).

Thus, in the present invention the overslide (7) transverse to the guide rail (4) and is in a plane parallel to the guide rail (4), which Applicant respectfully contends is not taught in the cited prior art. Therefore, due to the arrangement of the overslide (7), the present invention is compact in design and requires less moving parts, as will be explained further below..

Whereas, EP 1 201 546 discloses an apparatus for feeding bags to a filling machine whereby the bag delivery device (overslide) is perpendicular to the transfer (guide) rail. Accordingly, EP 1 201 546 does not teach all the features of claim 1. Specifically, EP 1 201 546 does not teach "wherein the overslide (7) is disposed transversely and in a plane parallel to the guide rail (4)."

Rather, referring to FIG. 3, EP 1 201 546 teaches a spout equipped bag feed apparatus 1 that supplies bags 11 to a filling and packaging machine 3. The filling and packaging machine 3 includes rotary table (carousel) 7, a transfer (guide) rail 83, and a bag delivery device 81. The bag delivery device 81 includes a first air

cylinder 89 installed on the top of a gate shaped frame 82, a frame 91 having a horizontal portion 93 and a vertical portion 95, a second air cylinder 97 secured to the lower end of the vertical portion 95, and a gripping chuck (overslide) 99 secured to the lower end of the second air cylinder 97.

During operation of the bag delivery device 81 the first air cylinder 89 moves the frame 91 in a reciprocating horizontal direction. The gripping chuck 99, which is operated by the second air cylinder 97, grips the top of the bags 11 on the transfer rail 83. The frame 91 advances to then deliver the bags 11 to a holding member 8 on the packaging machine 3.

The Examiner stated that the vertical portion 95 of the frame 91 corresponds to the overslide in the present invention. Applicant doesn't necessarily disagree, however, Applicant contends that the gripping chuck 99 more closely corresponds to the overslide. Regardless, referring to FIG. 3, both the vertical portion 95 and the gripping chuck 99 are clearly perpendicular to the transfer rail 83. Whereas in the present invention, as mentioned above, the overslide is parallel to the guide rail. Thus, EP 1 201 546 does not teach an overslide that is parallel to the guide rail.

The arrangement of the present invention has several advantages over the arrangement of EP 1 201 546. First, the arrangement of the overslide in the present invention lends itself to a more compact design of the overall structure of the device than the arrangement of overslide in EP 1 201 546. Specifically, the overslide in the present invention is transverse and in a plane parallel to the guide rail thereby requiring little space. Whereas, in EP 1 201 546 the overslide extends in an upward direction away from the transfer rail thereby requiring more space.

Second, the delivery device in the present invention is less complex because

the overslide merely moves in a back and forth direction. Whereas, in EP 1 201 546 due to the perpendicular arrangement of the overslide to the transfer rail, the overslide is lifted away from the transfer rail, fed back to the extracting end of the transfer rail, and then lowered toward the transfer rail. Thus, in the present invention only one actuator is required to move the overslide, whereas in EP 1 201 546 two actuators (the first and second air cylinders) are required, one for movement between the transfer rail and the carousel and a second one for lifting and lowering the gripping unit. Further, the delivery path of the overslide is shorter in the present invention thereby increasing productivity and reducing costs.

Based on the foregoing, it is apparent that EP 1 201 546 does not teach or suggest all the features of claim 1 and therefore cannot be cited as anticipating claim 1. Thus, reconsideration and withdrawal of the rejections of claim 1 based upon EP 1 201 546 are hereby requested.

Claims 2-3, 6-7, 10, and 16-17 depend from claim 1, thus, all arguments pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

Claim 11 has been cancelled.

The Examiner rejected claims 8, 11-15, and 18 under 35 U.S.C. 103(a) as being unpatentable over European Document number EP 1 201 546 A1. The Examiner's rejection is traversed for the following reason.

In regards to claims 8 and 18, claims 8 and 18 depend from claim 1, thus, all arguments pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

Claims 11-15 have been cancelled.

The Examiner rejected claims 4-5, and 9 under 35 U.S.C. 103(a) as being unpatentable over European Document number EP 1 201 546 A1 in view of PCT document number WO 03/024800A2. The Examiner's rejection is traversed for the following reason.

Claims 4-5 and 9 depend from claim 1, thus, all arguments pertaining to claim 1 are equally applicable to these claims and are herein incorporated by reference.

Further, Applicant submits that WO 03/024800A2 does not correct or eliminate the deficiencies of the primary reference, EP 1 201 546, as they relate to claim 1. WO 03/024800A2 discloses a bag transfer device that includes a star shaped rotary station 3, a guide rail 4, a swiveling gripper 6, and a drive device 11. As shown in FIG. 1, the swiveling gripper 6 is not transverse to the guide rail 4, as required by claim 1 of the present invention. WO 03/024800A2 does not teach an overslide that is transverse and parallel to the guide rail. Thus, WO 03/024800A2 does not correct or eliminate the deficiencies of EP 1 201 546 as they relate to claim 1. Therefore, Applicant submits that claims 4-5 and 9 are allowable over the proposed combination of the references.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. COH-16749.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By /Ronald S. Nolan/  
Ronald S. Nolan, Reg. No. 59271  
Patent Agent

38210 Glenn Avenue  
Willoughby, Ohio 44094-7808  
(216) 566-9700